

**REMARKS**

By this reply, claims 34 and 54 have been amended. Accordingly, claims 34, 36-59, 61, and 63-68 remain pending in this application. No new matter has been introduced by this reply.

**I. The Rejection Under 35 U.S.C. § 112, Second Paragraph**

On page 2 of the Office Action, claims 34, 36-53, and 67 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. With respect to previous independent claim 34, page 2 of the Office Action asserts that there is ambiguity as to whether sidewalls and a tread band recited are applied by a delivery member. By this reply, independent claim 34 has been amended to recite, *inter alia*, “wherein applying the tread band and applying the pair of sidewalls are cyclically carried out following a controlled rate.” Applicant submits that by this amendment, the alleged ambiguity referred to on page 2 of the Office Action has been removed.

With respect to previous independent claim 34, page 2 of the Office Action also asserts that the meaning of the phrase “starting from” is not readily ascertainable. By this reply, independent claim 34 has been amended to remove the allegedly confusing phrase. Amended independent claim 34 now recites, *inter alia*, “each of the first primary drum and the second primary drum is independently movable from a position at which the primary drum interacts with the transfer member to a position at which the primary drum interacts with the at least one delivery member.” Due at least to the above-described amendments, Applicant submits that amended independent claim 34 is definite.

Claims 36-53 and 67 depend from amended independent claim 34, and are definite at least for similar reasons as amended independent claim 34. For all of the above reasons, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

**II. The Rejections Under 35 U.S.C. § 103(a) Based on Marangoni and Ishii**

On page 3 of the Office Action, claims 54-57, 59-61, 63, and 66 were rejected under 35 U.S.C. § 103(a) based on WO 02/094545 A1 to Marangoni ("Marangoni") and U.S. Patent No. 5,156,713 to Ishii et al. ("Ishii"). Of claims 54-57, 59-61, 63, and 66, claim 54 is independent. By this reply, independent claim 54 has been amended to recite, *inter alia*, "wherein the at least one unit for applying the tread band comprises at least one delivery member, . . . and wherein each actuating assembly is arranged to cause translation of its respective primary drum towards said at least one delivery member from a position at which its respective primary drum interacts with the transfer member to a position at which its respective primary drum interacts with the at least one delivery member." Marangoni fails to teach or suggest at least these features of amended independent claim 54.

Marangoni appears to disclose a method for manufacturing tires defined by a number of components 3-16. At least one mobile tire building unit 56 is moved along a feedpath PA, PB extending through a number of work stations 25-32, 35-40, wherein at least one of the work stations 25-32, 35-40 being a programmable work station, and wherein the relative component is formed directly on the mobile unit 56 by depositing, on the mobile unit 56, a strip 45 of elastomeric material, which is deposited along a given programmable deposition path P1, P2, P3. (Marangoni, Abstract).

As admitted by the Examiner, “WO ‘545 does not describe the specific motions of the drum (17) and transfer (21) that accompany the transfer in the specific figs. 8 and 10 embodiments.” (Office Action, p. 3, ll. 5-7). The Examiner then asserts that “[i]t is noted however that the illustrated double arrows for the drum (17) in station (40) would suggest a capability to move to the illustrated position of the transfer (21).” (Id. at p. 3, ll. 7-9). Applicant respectfully disagrees.

While double arrows are shown in the embodiment of FIGS. 8 and 10 of Marangoni, the meaning of those arrows is ambiguous at best. The **silence** of Marangoni with respect to the motions of building drum 17 and carrier ring 21, and the meaning of the double arrows, is not disclosure, and that silence is insufficient for establishing a *prima facie* case of obviousness. Marangoni teaches that “building drum 17 is transferred to an assembly and unloading station 39, where the flat carcass 2a is shaped and simultaneously receives tread belt 12 removed off auxiliary drum 20 by carrier ring 21, and then tread 15 from a further work station 40.” See Marangoni at page 9, lines 19-23. Both the tread belt 12 and the tread 15 are joined to the carcass structure 2a on the building drum 17 at the same assembly and unloading station 39. At best, the only teaching that could reasonably be derivable from the above-cited disclosure of Marangoni is that the building drum 17 moves (upwardly with reference to FIGs. 8 and 10) to reach assembly and unloading station 39, and then moves back (downwardly with respect to the depicted position in FIGs. 8 and 10) from the assembly and unloading station 39.

The Office Action also asserts that Ishii remedies the deficiencies of Marangoni, since Ishii teaches that a second drum 119 moves toward a second transfer

apparatus 141 in FIGS. 7, 9, and 13. Applicant also respectfully disagrees with this assertion. Amended independent claim 34 recites, *inter alia*, that “applying the tread band and applying the pair of sidewalls are cyclically carried out following a controlled rate on each of a first primary drum and a second primary drum,” and amended independent claim 54 recites, *inter alia*, that “each of the first and second primary drums is independently movable . . . to interact sequentially with devices for disposing the carcass structure, the at least one unit for applying the tread band, and the at least one unit for applying the pair of sidewalls.” Thus, the claimed “primary drum” is one that receives multiple tire components, namely at least a tread band and a pair of sidewalls. Ishii does not teach that second drum 119 receives multiple tire components. Rather, Ishii teaches that second drum 119 receives a carcass band G’ only. See Ishii at column 10, lines 26 and 36-39. Thus, second drum 119 of Ishii cannot correspond to the claimed “primary drum,” and therefore cannot teach a modification of building drum 20 of Marangoni. Ishii does teach that a forming drum 180 receives multiple tire components, but Ishii teaches that transfer means 141 and 171 move to forming drum 180. See id. at column 12, lines 36-41. Ishii, therefore, teaches an arrangement similar to that of FIG. 3 of Marangoni, and thus, Ishii fails to remedy the deficiencies of Marangoni. Applicant submits that for these additional reasons, the rejections based on Marangoni and Ishii are improper and should be withdrawn.

Accordingly, a *prima facie* case of obviousness cannot be established with respect to amended independent claim 54 by modifying Marangoni in the manner proposed by the Office Action. Therefore, the timely allowance of amended

independent claim 54, and claims 55-57, 59-61, 63, and 66 which depend from independent claim 54, is respectfully requested.

On page 3 of the Office Action, claims 34-42, 45-53, 64, 65, and 67 were rejected under 35 U.S.C. § 103(a) based on Marangoni optionally taken in view of Ishii. Of claims 34-42, 45-53, 64, 65, and 67, claim 34 is independent. By this reply, independent claim 34 has been amended, and while of different scope, recites features similar to those recited in amended independent claim 54. For example, amended independent claim 34 recites, *inter alia*, “wherein each of the first primary drum and the second primary drum is independently movable from a position at which the primary drum interacts with the transfer member to a position at which the primary drum interacts with the at least one delivery member.” Thus, amended independent claim 34 is allowable over Marangoni and Ishii at least for similar reasons as amended independent claim 54.

Claims 35-42, 45-53, 64, 65, and 67 are allowable at least due to their corresponding dependence from amended independent claims 34 and 54. For all of the above reasons, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103(a) based on Marangoni and Ishii.

**III. The Rejection Under 35 U.S.C. § 103(a) Based on Marangoni, Ishii, Caretta, and Oku**

On page 5 of the Office Action, claims 43, 44, 57, and 58 were rejected under 35 U.S.C. § 103(a) based on Marangoni, Ishii, Caretta, and Oku. Claims 43, 44, 57, and 58 depend from one of amended independent claims 34 and 54, and thus include all the elements thereof. The deficiencies of Marangoni and Ishii with respect to amended

independent claims 34 and 54 have already been established in preceding paragraphs. The proposed modifications allegedly taught by Caretta and Oku fail to remedy the above-noted deficiencies of Marangoni and Ishii. Thus, claims 43, 44, 57, and 58 are allowable over Marangoni, Ishii, Caretta, and Oku at least due to their dependence from amended independent claims 34 and 54.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

#### IV. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

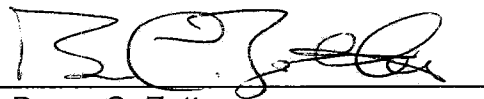
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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By: \_\_\_\_\_



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